

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS ANNUITY FUND, and NEW YORK  
CITY DISTRICT COUNCIL OF CARPENTERS  
APPRENTICESHIP, JOURNEYMAN RETRAINING,  
EDUCATIONAL AND INDUSTRY FUND, BY THEIR  
TRUSTEES FRANK SPENCER, DOUGLAS J.  
McCARRON, JOHN BALLANTYNE, PAUL TYZNAR,  
PAUL O'BRIEN, KEVIN M. O'CALLAGHAN,  
CATHERINE CONDON, DAVID MEBERG, Bryan  
WINTER, and JOHN DeLOLLIS,

11-Civ-5474

ANSWER

Plaintiffs,

-against-

MICHAEL FORDE, JOHN GREANEY, JOSEPH  
OLIVIERI, BRIAN HAYES, MICHAEL MITCHELL,  
FINBAR O'NEILL, K.A.F.C.I., MICHAEL BRENNAN,  
TURBO ENTERPRISES, INC., TERENCE BUCKLEY,  
PITCOHN CONSTRUCTION ENTERPRISES, INC.,  
GERARD McENTEE, PYRAMID ASSOCIATES  
CONSTRUCTION CORP., JAMES DUFFY, BRIAN  
CARSON, JOSEPH RUOCCO, JOHN STAMBERGER,  
and MICHAEL VIVENZIO,

Defendants.

-----X  
Defendants, PYRAMID ASSOCIATES CONSTRUCTION CORP. and JAMES  
DUFFY, by their attorney, NIALl MAC GIOLLABHUI, LAW OFFICES OF MICHAEL G.  
DOWD, answer the Complaint of Plaintiffs as follows:

1. Defendants deny the allegations pertaining to them set forth in paragraphs  
1, 36-37, 45, 49-50, 55, 72, 112-124, and 127-136, inclusive. Defendants deny knowledge or

information sufficient to form a belief with respect to the truth of these remaining allegations set forth in these paragraphs.

2. Defendants neither admit nor deny the allegations set forth in paragraphs 2, 3, 4, 110-111, and 126, inclusive, as they are not allegations of fact.

3. Defendants deny knowledge or information sufficient to form a belief with respect to the truth of the allegations set forth in paragraphs 5-25, 29-35, 38-44, 46-48, 51-54, 56-71, 73-96, 101-108, 138-142, 144-148, 150-154, 156-161, 163-168, 170-175, 177-182, 184-189, and 191-196, inclusive.

4. Defendants deny the allegations set forth in paragraphs 26-28, inclusive, except that Defendant JAMES DUFFY is a resident of the State of New York, and that Defendant PYRAMID ASSOCIATES CONSTRUCTION CORP. was organized under the laws of the State of New York and had its principal place of business at the location alleged.

5. Defendants deny the allegations set forth in paragraphs 97-100, inclusive.

6. Defendants deny each allegation set forth in paragraphs 109, 125, 137, 143, 149, 155, 162, 169, 176, 183, and 190, inclusive, except as otherwise pleaded herein.

#### **FIRST AFFIRMATIVE DEFENSE**

7. Plaintiffs' action is barred by the statute of limitations.

#### **SECOND AFFIRMATIVE DEFENSE**

8. Plaintiffs' action is barred by the grievance procedure, including arbitration, mandated by the applicable collective bargaining agreements.

**THIRD AFFIRMATIVE DEFENSE**

9. Plaintiffs' action is barred by the doctrine of economic duress.

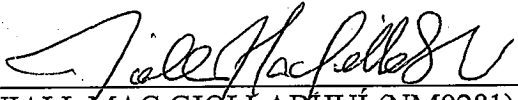
**FOURTH AFFIRMATIVE DEFENSE**

10. Plaintiffs' action is barred by the doctrine of estoppel.

Defendants demand a trial by jury of all claims pursuant to Federal Rule of Civil Procedure 38.

WHEREFORE, Defendants pray that the Court dismiss the Complaint and enter judgment in favor of Defendants, and that Defendants be awarded such other and further relief as this Court deems just and proper.

Dated: New York, New York  
October 31, 2011

  
NIALL MAC GIOLLABHUI (NM0281)  
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JAMES DUFFY  
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